

CRIME: 245(c) PC, Assault with a Deadly Weapon, Not Firearm at a Police Officer
Likely to Produce Great Bodily Injury

SUSPECT: Jeromiah Paul DAVIS dob 10-15-1976

VICTIMS: Officer John HAYS, ID#158
Sergeant Michael MOULTON, ID#189
Sergeant Michael HOOK, ID#67
Officer Richard WHITMAN, ID#85
Officer Jason TAUB, ID#192
Reserve Officer R. MCILHENNEY, ID#6831

REFERENCE: Statement of Case

FACTS:

On 3-27-09, at 1152 hours, the El Cajon Police Department received a call for service from an individual, stating he had observed a Hispanic male adult running with a knife in his hand up the hill on Avocado from Chase. He described the Hispanic male as being twenty to thirty (20 to 30) years of age, medium build, shaved head, wearing a brown sweatshirt with a hoody and camouflage pants. At this point, several other concerned citizens were calling in regarding the Hispanic male, each describing him with a large knife in his hand running up Avocado.

Officer J. HAYS was dispatched to the call. When he arrived in the area, he observed the subject running southbound on Avocado, near Horizon Hills, still carrying a large knife. A second officer arrived, Acting Sergeant J. TAUB. HAYS and TAUB, both in police uniforms, stopped their vehicle's, both of which were driving marked El Cajon Police Department Chevrolet Suburban's in the southbound lanes blocking traffic. They attempted to contact the subject and both told the subject to drop the knife. The subject refused their commands. Acting Sergeant TAUB, who has experience as a grenadier with the El Cajon Police Department, retrieved a less than lethal bean bag deployment shotgun, which is commonly referred to as a "blue gun" due to its blue markings. Both HAYS and TAUB continued to give commands to the subject, who was not stopping and continued to run south on Avocado towards Horizon Hills with the large knife still in his hand. In the area of Horizon Hills and Avocado, a heavily populated residential area, TAUB fires the blue gun at the subject. He is able to fire two rounds and then the weapon malfunctioned. After the weapon malfunctioned, Officer TAUB drew his department issued taser non-lethal weapon and fired at the subject. At this point, the officers believed the suspect was not hit by the taser and/or it had no effect.

As the subject continued to run southbound up the hill on Avocado, with HAYS and TAUB following, a third officer, Sergeant M. MOULTON, wearing a police uniform and driving a marked police vehicle, arrived on scene. Sergeant MOULTON and Officer HAYS continued

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to run paralleling the subject up the hill. At this time, Acting Sergeant TAUB who was able to clear the malfunction in the blue gun fired two more rounds at the subject.

After seeing no response from the subject and having no communication with the subject, officers on scene asked for other units to respond Code 3 in an attempt to locate canine officers and other officers with the less than lethal devices.

Officer R. WHITMAN was riding in a two-person marked police vehicle with Reserve Officer R. MCILHENNEY, both in police uniforms, arrived on scene. Just after that, Detective Sergeant M. HOOK, who was in his undercover vehicle and wearing civilian clothing, also arrived on scene. Both HOOK and WHITMAN are seasoned Crisis Negotiators for the El Cajon Police Department.

The subject continued to run southbound on Avocado uphill. He was not complying with any of the demands by the officers, and refused to communicate with them. The subject still had the large knife in his right hand. Officer WHITMAN commandeered MCILHENNEY's personal taser, a non-lethal weapon, and at one point attempted to use the taser, which was non-operational. Further up the hill, still in a southbound direction, TAUB was able to reload the blue gun with four additional bean bag rounds and fired all four rounds at the subject, with little or no effect. In speaking with the officers, the less lethal weapons used at this time were the bean bag shotgun and the electronic taser device, both of which appeared to have no effect on the subject. It was also determined, through interviews, that each time the subject was hit with the bean bag shotgun round, the subject would grimace and verbalize by stating, "Yeah". At one point while the subject was running after being shot with two volleys of blue gun bean bag shotgun rounds, he was overheard by Officer HAYS stating something to the effect of, "Make it in the heart," or "You better make it in the heart."

The officers involved in this incident continued to pursue the subject who traveled up a steep incline for over a mile. The area that this incident occurred in, is predominately a residential area with the majority of the homes sitting far off the roadway. The subject stayed in the bike lane/sidewalk area of the west curb line as he traveled southbound on Avocado. On a couple of occasions, the subject came off of the sidewalk into the bike lane and actually into the traffic lane, then back into the bike lane and back onto the sidewalk, all still while armed with the large hunting knife. After having little or no effect from the bean bag rounds, the officers knew that at the intersection of Avocado and Fuerte, there was a business district on the south side of Fuerte.

Sergeant HOOK, who was driving an undercover vehicle southbound on Avocado, would stop his vehicle, and watch the subject continue to run southbound, towards him with the officers paralleling him. Each time the subject got closer, Sergeant HOOK would go further up the hill, southbound. Sergeant HOOK went to the top of the hill at the intersection of Fuerte and Avocado and parked his vehicle. He relayed over the radio that there were infact open businesses, south of Fuerte at Avocado. A decision was made with each of the officers that they could not allow the subject to reach the populated open businesses with the knife in his hand. Independently, each of the officers involved in this incident developed a plan that the subject would not get past the intersection. As the subject ran into the

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intersection, he continued to approach the officers with the weapon in his right hand. The officers continued their attempt to communicate with the subject with little or no effect and he continued running towards the officers. Having no further options, the officers, who had placed themselves between the armed subject and the populated businesses, used lethal force to protect the community and themselves. It is believed that the subject was hit several times by four officers on scene, who had fired their Glock .40 caliber duty weapons. The first rounds fired failed to stop the subject. The officers fired again and the subject eventually collapsed in the southwest corner of the intersection of Fuerte and Avocado. At this time, he was taken into custody and fire personnel were called. It was determined by San Miguel Fire Department personnel on scene that the subject had expired.

As a result of this incident, Acting Sergeant J. TAUB fired two non-lethal weapons, first the bean bag shotgun and the other an electronic taser device. Officer J. HAYS, Sergeant M. MOULTON, Officer R. WHITMAN and Sergeant M. HOOK all fired their department issued Glock .40 caliber weapons.

In interviews of the officers and Sergeants, it was determined that numerous attempts to communicate were made demanding that the subject stop running, and put the weapon down, along with several attempts to negotiate with the subject.

This incident occurred at 11:52:08 hours when the El Cajon Police Department was notified of the subject and Officer HAYS stated he observed the subject at approximately 11:56:37 hours. During that time, supervisors on scene were asking for Code 3 cover, additional officers, canines, and additional blue guns. At approximately 12:05:14, Sergeant MOULTON reported shots fired at Avocado and Fuerte, suspect down.

During the investigation of this Officer Involved Shooting, an individual contacted the El Cajon Police Department and believed that the subject who was seen on the news possibly was their son. After the autopsy, the subject was positively identified as Jeromiah Paul DAVIS (10-15-1976). In preliminary interviews with the family, DAVIS was known to the El Cajon Police Department because of past arrests and was a martial arts individual, with a black belt. The family stated that Jeromiah DAVIS has been living with his grandmother at the Senior Towers at 180 Ballantyne.

Respectfully submitted,

R. ROULEAU, ID#75
INVESTIGATIONS DIVISION
3/31/2009 4:55 PM
RR:js

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